

Chapter 161

RENTAL DWELLING UNITS

GENERAL REFERENCES

Affordable housing — See Ch. 60.

Property maintenance — See Ch. 155.

Unfit buildings — See Ch. 81.

Zoning — See Ch. 215.

§ 161-1. Purpose.

This chapter is enacted to further the public health, safety, morals and general welfare of the Borough of Mendham.

§ 161-2. Definitions.

The following terms, whenever used or referred to in this chapter, shall have the following respective meanings for the purposes of this chapter, unless a different meaning clearly appears from the context.

CODE OFFICIAL — The official of the Borough of Mendham who is charged with the administration and enforcement of this chapter, or any duly authorized deputy.

HOUSING SPACE — That portion of a dwelling rented or offered for rent for living or dwelling purposes and in which cooking equipment is supplied. The term shall not mean or include public housing or dwelling space in any hotel, motel or established guest house, commonly regarded as a hotel, motel or established guest house, as the case may be, in the Borough.

OWNER — The holder or holders of record title or title by operation of law.

PARTIES IN INTEREST — All individuals, associations and corporations who own or have an interest of record in a housing space or rental dwelling or who are in actual possession thereof or any person authorized to receive rents payable for housing space or a rental dwelling.

PERSON — Any individual who is at least 12 months of age and who resides in the rental dwelling or housing space.

§ 161-3. Registration form required.

A. It shall be the duty of every owner or party in interest and every tenant or prospective tenant of housing space within the Borough of Mendham to file with the Code Official on the landlord-tenant registration form, as prescribed, the following information:

(1) The name of the person or persons to whom the rental housing space is being rented.

(2) The number of square feet of the total area actually being rented to the tenant,

the number of square feet of area to be used as sleeping quarters and the number of square feet in all other habitable rooms.

- (3) The number of rooms being rented to each tenant, including the square footage of each room.
 - (4) The number of persons to occupy the area being rented.
 - (5) The owner's name, address and telephone number.
 - (6) The owner's agent (or other party in interest's) name, address and telephone number.
 - (7) The names, telephone numbers and ages of the persons to occupy the area being rented, except that each person 18 years and older may use the designation "adult" for age.
- B. The owner or its agent and the tenant or prospective tenant shall sign the landlord-tenant registration form verifying the information contained in said form.

§ 161-4. Filing of registration form; inspections; validity.

- A. Apart from any zoning or other regulatory issues, the filing of the registration form in accordance with the requirements of § 161-3 and payment of an inspection fee per housing space or rental dwelling shall constitute a legally registered housing space with the Borough of Mendham and for purposes of legal proceedings in connection therewith.
- B. Upon change of ownership, occupancy or inception of a new tenancy, a new to continue the legally registered housing space.
- C. Each housing space or rental dwelling in the Borough of Mendham shall be subject to an annual reinspection as to which a reinspection fee shall be paid by the landlord. The reinspection shall take place 12 months after the initial landlord-tenant registration form is completed and the inspection is performed and certified to by the Designated Code Official.
- D. Each owner and/or its agent shall file a landlord certificate of Registration with the Borough Clerk as required by state law (N.J.S.A. 46:8-27 et seq.).

§ 161-5. Information to be posted in affected dwellings.

The name, address and telephone number of the owner(s) or its agent shall be posted in a conspicuous location on the ground floor hall of each housing space regulated by this chapter.

§ 161-6. Time for filing.

Initial landlord-tenant registration forms shall be filed with the Borough Clerk or the Designated Code Official within 90 days of the effective date of this chapter. Thereafter, the owner and tenant shall file the completed landlord-tenant registration form with the Borough Clerk or Designated Code Official within 15 days of the inception of a tenancy,

any change in the occupancy of the housing space, or a change in ownership.

§ 161-7. Owner to supply rules, regulations and registration form.

It shall be the duty of the owner or its agent to supply to each tenant a copy of this chapter and any amendments thereto, as well as a copy of such administrative rules and regulations as shall be in effect at the time the premises are rented. For tenants in place at the time this chapter is adopted, the owner or its agent, shall, within 15 days from the ordinance's effective date, serve on each tenant a copy of this chapter and such rules and regulations as shall be in effect.

§ 161-8. Rules and regulations authorized.

The Borough Council may, by resolution, from time to time, accept recommendations from the Code Official and make and adopt such written administrative rules and regulations as may be necessary for the proper enforcement and interpretation of this chapter and to secure its intent. Such rules and regulations shall not be in conflict with the provisions of this chapter nor any other ordinances of the Borough of Mendham, nor shall they have the effect of waiving any provisions of this chapter or any other ordinance. Such administrative rules and regulations shall have the same force and effect as the provisions of this chapter, and the penalty for violation thereof shall be the same.

§ 161-9. Violations and penalties.

Any violation of this chapter by either the owner (s) or the tenant by the refusal or failure of either to file the said certificate or to sign the same shall be punishable based upon the following schedule:

- A. First violation: Receipt of written warning from the Borough;
- B. Second violation: Violator shall be subject to the penalties as set forth in § 1-15 of the Code of the Borough of Mendham.
- C. Third and subsequent violations: Violator shall be subject to the penalties as set forth in § 1-15 of the Code of the Borough of Mendham.

§ 161-10. Penalty to be printed on certificate.

The penalty hereinabove shall be printed in full on the certificate so that both the owner(s) and the tenant may be fully apprised of the penalty to be imposed by the failure to comply with the provisions of this chapter.

§ 161-11. Certificate of registration.

The certificate of registration, as set forth on the form approved by the Designated Code Official, shall stand as a certificate of compliance as required by this chapter if the certificate of registration was received within two months of the required annual inspection date.

§ 161-12. Occupancy limitations.

- A. Access from sleeping rooms. Sleeping rooms shall not be used as the only means of access to other sleeping rooms or habitable spaces. Exception: Dwelling units that

contain fewer than two bedrooms.

- B. Area for sleeping purposes. Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor area for each occupant thereof.
- C. Water closet accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom.
- D. Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum occupancy area requirements in the following table below:

Minimum Occupancy Area Requirements

Space	1 to 2 Occupants (area in square feet)	3 to 5 Occupants (area in square feet)	6 or More Occupants (area in square feet)
Living room	None	120	150
Dining room	None	80	100
Kitchen	50	50	60
Bedrooms	As per § 161-12B	As per § 161-12B	As per § 161-12B

- E. Combined spaces. Combined living room and dining room spaces shall comply with the requirements of the above table if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.
- F. Prohibited uses.
 - (1) Kitchens, nonhabitable spaces and interior public spaces shall not be used for sleeping purposes.
 - (2) In addition, any other nontraditional sleeping quarter spaces such as attics and basements shall not be used for sleeping purposes if they do not meet the requisite standards regarding emergency escape and rescue openings, means of egress and all other requirements as set forth by the Uniform Construction Code and the International Residential Code 2006, New Jersey Edition.
- G. Minimum ceiling heights.
 - (1) Habitable spaces, other than kitchens, shall have a clear ceiling height of not less than seven feet four inches. Hallways, corridors, laundry areas, bathrooms, toilet rooms, and kitchens shall have a clear ceiling height of not less than seven feet.
 - (2) Exceptions.
 - (a) Beams or girders spaced not less than four feet on center and projecting not more than six inches below the required ceiling height, provided the

minimum clear height is not less than six feet eight inches.

- (b) Dropped or furred ceilings over no more than 1/2 of the minimum floor area required by this chapter, provided no part of such dropped or furred ceiling is less than seven feet in height.
- (c) Rooms used exclusively for sleeping, study, or similar uses and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least seven feet over not less than 1/3 of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor areas with a clear ceiling height of five feet or more shall be included.
- (d) Minimum room widths. A habitable room, other than a kitchen, shall not be less than seven feet in any plan dimension. Kitchens shall have a clear passageway of not less than three feet between counter fronts and appliances or counter fronts and walls.
- (e) Food preparation. All spaces to be used for food preparation shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food waste and refuse, including facilities for temporary storage.

§ 161-13. Code enforcement provisions.

- A. Notices and orders. The Code Official, as hereinabove defined, shall issue all necessary notices and orders to abate illegal or unsafe conditions to insure compliance with the requirements of this chapter for the safety, health, and general welfare of the public.
- B. Inspections. In order to safeguard the safety, health and welfare of the public, the Code Official is authorized to enter any structure or premises at any reasonable time for the purpose of making inspections and performing duties under this chapter.
- C. Right of entry. If any owner, occupant or other person in charge of a structure subject to the provisions of this chapter refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to any part of the structure or premises where inspection authorized by this chapter is sought, the administrative authority shall be permitted to seek, in a court of competent jurisdiction, an order that such owner, occupant or other person in charge cease and desist with such interference.
- D. Credentials. The Code Official and authorized representatives shall carry proper credentials of their respective office for the purpose of inspecting any and all buildings and premises in the performance of duties under this chapter.
- E. Coordination of enforcement. Inspection of premises, the issuance of notices and orders and enforcement thereof shall be the responsibility of the Code Official so charged by the Borough. Whenever inspections are necessary by any other department the Code Official shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating

conflicting orders, notices or summons before any are issued. A department, however, shall not delay the issuance of any emergency order.

- F. Official records. An official record shall be kept of all business and code enforcement activities of the Code Official and other personnel necessary to administer this chapter as authorized by the Borough of Mendham. All such official records shall be open to public inspection at all appropriate times and under reasonable administrative rules to assure the integrity and security of such records.